



COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS



LEGISLATIVE SESSION REVIEW | 2010

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ABOUT THE AUTHORS

Benjamin Sung Henry, Commission on Asian Pacific American Affairs/ Asian Pacific Islander Community Leadership Foundation fellow, is a Master's candidate at the University of Washington's Daniel J. Evans School of Public Affairs. Born of an immigrant mother from South Korea, whom became a successful Tacoma businesswoman, Henry has lived in the Puget Sound area since 2007. He grew up in the ethnic melting pot of Honolulu, Hawaii, where he attended one of the most culturally diverse universities in the country, Hawaii Pacific University, graduating with honors.



After a 10-year journalism career working as an award-winning newspaper production editor and investigative reporter, Henry was elected to represent the Evans School in UW's Graduate and Professional Student Senate. He currently sits on UW's Board of Publications and, as a member of the Evans School Student Association Executive Council, is Steering Committee chair and co-founder of the inaugural Symposium of Public Affairs Research.

Commissioner Sofia Aragon, from Thurston County, immigrated to Seattle, Washington from Manila, Philippines when she was three years old. After growing up in south Seattle, she earned a B.A. in Economics from the University of Washington and a B.S. in Nursing from Seattle University. After practicing both acute care and primary care nursing in the Seattle area, she went on to law school, earning a juris doctorate from Loyola University - Chicago School of Law. She hoped to use her health care experience to pursue a career in public policy.



Aragon is the Senior Governmental Affairs Advisor for the Washington State Nurses Association which represents over 16,000 registered nurses and nurse practitioners in the state. Prior to this position, she was the Legislative and Policy Manager for the Community and Family Health Division at the Department of Health.

From human services to taxes, from education to economic development, public policy impacts nearly every aspect of life for Asian Pacific Americans in the state of Washington. Over the course of the legislative session, funding levels to health and human services are determined, changes to and creations of new laws are debated, and budgets are approved.

The Washington State Commission on Asian Pacific American Affairs (CAPAA) is committed to improving the well-being of Asian Pacific Americans by ensuring their access to participation in the fields of government, business, education, and other areas. Part of that mission involves examining, defining, and monitoring policy issues that are of interest to the Asian Pacific American community and providing legislative and policy updates.

The importance of the community in advocating on issues is significant. On Feb. 4, 2010, over 2,000 community members visited the Capitol and met with legislators on Asian Pacific American Legislative Day. The community voiced their concerns on a variety of issues, including preserving health and human services, job creation, and education. Leaders of our community met and spoke with Gov. Chris Gregoire, Speaker of the House Frank Chopp, State Reps. Sharon Tomiko Santos, Bob Hasegawa, Lynn Kessler, and Sens. Paull Shin, Chris Marr, and Steve Hobbs.

2010 WASHINGTON LEGISLATIVE SESSION OVERVIEW

The 2010 Legislative Session was dominated by a \$2.8 billion projected budget shortfall, about 8% of the state operating budget. To close the deficit, majority Democrats have signaled a combination of increased tax revenue generation, budget cuts, and closing certain tax loopholes.

The House and Senate voted to suspend I-960, a voter-approved 2007 initiative that required either a two-thirds legislative supermajority or ballot approval to increase revenue. When the Governor signed the bill in February, this opened the possibility of revenue generation to plug the deficit.

The Governor's revised supplemental budget proposed to restore many health and human services programs; examples including the children's health coverage, the Basic Health Program, maternity support services, adult hospice care, senior citizens services act, and optional Medicaid services.

The regular session, which convened Jan. 11 and adjourned on March 11, went into special session, the first multi-day special session since 2003.

In the 2010 session, the Commission on Asian Pacific American Affairs tracked a total of 146 bills. The following is a summary of bills in our three priority areas of education, health care/human services, and economic development. Also included are a few bills of interest to the community in the area of immigration.

- **Education:** Access to quality, affordable, safe and culturally inclusive education.
- **Health Care:** Access to quality, affordable and culturally appropriate health and social services.
- **Economic Development:** Equitable participation in economic, community, and workforce development.

*Information on bills passed and delivered to the Governor credited to the Senate Committee Services

IN THE AREA OF EDUCATION, WE TRACKED 72 BILLS

Highlights:

- Three bills on **early learning** passed. The Ready for School Act of 2010 creates an early-learning program for 3- and 4-year-olds, and requires that, once fully implemented, that it be available to all eligible children. SSB 6759 establishes an Office of Superintendent of Public Instruction and Department of Early Learning working group to forge a plan to create a voluntary early learning program. 2SHB 2867 mandates the Department of Early Learning to initiate a birth-to-3 plan.
- Two bills created **support structures for dropout students**. ESSB 6403 creates an infrastructure to enhance collaboration among organizations serving vulnerable youth. E2SHB 1418 establishes a reengagement mechanism for students who have dropped out of school and lack the credits to achieve a diploma, offering skills training, counseling and referrals.
- A new **civil rights law** expands the existing sexual equality portion of the school code to include the prohibition of discrimination based on several categories, including race.
- Two **higher-education** bills passed, one creating opportunity centers at community colleges, and another allowing honorary degrees to be issued to students in 1942 that were ordered to internment camps.

Bills tracked by CAPAA that passed and were delivered to the Governor:

E2SHB 1418: ESTABLISHING A STATEWIDE DROPOUT REENGAGEMENT SYSTEM

- A statutory framework for a statewide dropout reengagement system is created to provide education and services to students, ages 16 to 21, who are so credit deficient that completion of a high school diploma is not reasonable. The students may also be recommended by case managers.
- Under the system, a dropout reengagement program may be provided when school districts enter into interlocal agreements with an educational service district, community or technical college, or other public entity. A school district may also enter into a contract with a community-based organization.
- A dropout reengagement program offers academic instruction and college and work readiness preparation; case management, counseling, and resource and referral services; and an opportunity to enroll in college courses tuition-free if the provider is a college.
- The Office of Superintendent of Public Instruction must develop model interlocal agreements and contracts for the dropout reengagement system.

HB 2621: DESIGNATING RESOURCE PROGRAMS FOR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION IN K-12 SCHOOLS

- Subject to funds appropriated for this purpose, the Superintendent of Public Instruction must designate up to three middle schools and up to three high schools to serve as light house programs to provide technical assistance and advice to others who are creating a science, technology, engineering, and mathematics (STEM) learning environment.

- The Office of Superintendent of Public Instruction must work with the designated schools to publicize their models of STEM instruction and encourage other schools and communities to replicate similar models.

SHB 2776: REGARDING FUNDING DISTRIBUTION FORMULAS FOR K-12 EDUCATION

- Beginning in the 2011-12 school year the current funding ratios in statute are replaced with the new prototypical school funding allocation formula using the basic education funding levels, except for classified staff current funding levels are used.
- Enhancements to the basic education funding levels are phased-in beginning in the 2011-13 biennium to reduce class size to 17 in grades K-3; increase the funding levels for material, supplies, and operating costs; implement all-day kindergarten; and a new student transportation funding formula based on predicted costs.

SHB 2801: REGARDING ANTIHARASSMENT STRATEGIES IN PUBLIC SCHOOLS

- The Office of the Superintendent of Public Instruction is directed to revise and update the model harassment, intimidation, and bullying prevention policy.
- School districts are required to adopt or amend their policies and procedures to incorporate the revised policy and procedure and to designate a primary contact person in the district.
- The Office of the Education Ombudsman is designated as the lead agency to provide resources and tools regarding anti-harassment policies and strategies to parents and families.

2SHB 2867: PROMOTING EARLY LEARNING

- The Department of Early Learning (DEL) is directed to develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as home visiting; quality incentives for infant and toddler child care subsidies; quality improvement for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal support for family, friend, and neighbor caregivers.
- Within existing resources, DEL, in collaboration with Thrive by Five Washington and the Early Learning Advisory Council, must develop a birth-to-three plan, including recommended appropriation levels. They must report to the Legislature and the Governor by December 1, 2010.

E2SHB 3026: REGARDING SCHOOL DISTRICT COMPLIANCE WITH STATE AND FEDERAL CIVIL RIGHTS LAWS

- A new chapter is added to the school code that parallels the current sexual equality chapter which prohibits discrimination on the basis of race, creed, religion, color, national origin, sexual orientation including gender expression or identity, veteran or military status, disability, or the use of a trained guide or service animal by a person with a disability. The Office of the Superintendent of Public Instruction (OSPI) is tasked with developing rules and guidelines to eliminate such discrimination.
- OSPI is authorized to enforce and obtain compliance with state discrimination laws.
- A private cause of action is created for violations of this chapter for the recovery of damages and equitable relief.

E2SSB 6696: REGARDING EDUCATION REFORM

- Provides authority and specifies a process for the Superintendent of Public Instruction (OSPI) and the State Board of Education to implement an accountability system that recognizes successful schools and requires certain actions by school districts with persistently lowest-achieving schools, according to federal definitions.
- Requires development and implementation of new classroom teacher and principal four-level rating evaluation systems with specified minimum criteria, and extends provisional status for non-supervisory certificated staff from two to three years.
- Establishes a new process for transferring principals to a subordinate position, which applies only to principals hired after the bill takes effect and in school districts with more than 35,000 students.
- Authorizes the Professional Educator Standards Board to accept proposals for new educator preparation program providers that include community colleges and non-higher education providers.
- Requires all teacher preparation programs to administer a new evidence based assessment to all pre-service candidates beginning in 2011-12.
- Authorizes the OSPI to provisionally adopt, by August 2, 2010, the Common Core Standard developed by a multi-state consortium, but prohibits implementation until the Legislature has an opportunity for review.

SB 6761: REGARDING THE RECOMMENDATIONS OF THE QUALITY EDUCATION COUNCIL

- *SB 6761 is incorporated in part into SHB 2776.

2SHB 2731: CREATING AN EARLY LEARNING PROGRAM FOR EDUCATIONALLY AT-RISK CHILDREN

- Establishes a voluntary program of early learning for three- and four-year olds, and specifies that when fully implemented, the program must be an entitlement program for eligible children. Directs that the program be implemented beginning September 1, 2011, and that the phase-in of expanded opportunities be implemented in districts where full-day kindergarten is being provided. Requires the program to use the program and eligibility standards of the Early Childhood Education and Assistance Program (ECEAP).
- Requires that funding for the program in the 2011-2013 biennium be not less than the funding provided for ECEAP in the 2009-2011 biennium. Requires additional funding be phased-in beginning in the 2013-2014 school year so that the program is fully implemented by the 2018-19 school year. Requires annual forecasting and reporting to the Governor and Legislature regarding caseloads and funding recommendations.
- Names the act the Ready for School Act of 2010.

ESSB 6403: REGARDING ACCOUNTABILITY AND SUPPORT FOR VULNERABLE STUDENTS AND DROPOUTS

- In order to significantly improve statewide high school graduation rates, the Legislature intends to facilitate the development of a collaborative infrastructure at the local, regional, and state level between systems that serve vulnerable youth.
- The Building Bridges work group must include specified representatives. State agencies in the work group must work together to support school/family/community

partnerships engaged in building K-12 dropout prevention, intervention, and reengagement systems.

- The work group must report annually to the Quality Education Council (QEC), the Legislature, and the Governor. By September 15, 2010, the Office of Superintendent of Public Instruction (OSPI) and the work group must make specific recommendations. By December 1, 2010, the work group must make recommendations on state-level and regional infrastructure for coordinating services for vulnerable youth.

SSB 6759: REQUIRING A PLAN FOR A VOLUNTARY PROGRAM OF EARLY LEARNING

- A technical working group is created beginning April 1, 2010, to develop a comprehensive plan for a voluntary program of early learning. The working group is convened by the Office of Superintendent of Public Instruction (OSPI) and the Department of Early Learning (DEL), but must be monitored and overseen by the Quality Education Council (QEC).
- The plan must examine the opportunities and barriers of at least two options: (1) a program of early learning under basic education, and (2) a program of early learning as an entitlement. Specific recommendations are required for each option.
- The membership includes representatives from DEL, OSPI, Thrive by Five Washington, the Attorney General's Office, two members of the Early Learning Advisory Council (ELAC), and other stakeholders appointed by ELAC.
- The working group has a progress report due to ELAC and the QEC July 1, 2011, and a final report and plan due November 1, 2011. The QEC must report to the Legislature by January 1, 2012.

SHB 2684: ESTABLISHING OPPORTUNITY CENTERS AT COMMUNITY COLLEGES

- An Opportunity Education and Employment Center is established within the Seattle Community College District.
- The Opportunity Center will house various educational and social service providers that will integrate access to employment, counseling, and public benefit programs as well as education, training, financial aid, and counseling services offered through the college.
- By December 1, 2010, the State Board for Community & Technical Colleges must make recommendations on the location of a new center.

SB 6467: AUTHORIZING HONORARY DEGREES FOR STUDENTS WHO WERE ORDERED INTO INTERNMENT CAMPS

- Honorary degrees may be conferred by Washington public institutions of higher education upon persons who were students at those institutions in 1942, but did not graduate because they were ordered into an internment camp.
- An honorary degree may also be requested by relatives for deceased qualified persons.

Bills tracked by CAPAA that did not pass:

- Ten bills on higher education tuition, student eligibility for the state need grant program, graduation rates, field of dreams program, and tuition-setting authority
- Three bills dealing with educator preparation, pool of qualified teachers, and teacher recruitment
- Five bills on public schools anti-harassment, gangs, hate groups, and discrimination
- Two bills addressing college information portals and opportunity internship programs
- Three bills on high school graduation, reengagement, and multiple measures
- Two bills on teacher education and certification
- Three bills on public education programs and involvement
- Two bills on feeding hungry children
- One bill dealing with the WASL
- Two bills on student assessment
- Four bills focusing on at-risk children and vulnerable students
- Three bills on education accountability and system flexibility
- Fourteen bills relating to closing the achievement gap
- Five bills on student incentive programs, voluntary early learning and reform

Highlights:

- The Office of Financial Management will establish a working group on **language access services** and providers are allowed to collectively bargain with the Governor.

Bills tracked by CAPAA that passed and were delivered to the Governor:

SHB 2686: CONCERNING FEES FOR DENTAL SERVICES THAT ARE NOT COVERED BY INSURANCE OR CONTRACT

- Dental insurance carriers are prohibited from requiring a contracting dentist to limit fees charged for services that are not covered services under the dental benefit plan.

ESSB 6726: MAKING THE GOVERNOR THE PUBLIC EMPLOYER OF LANGUAGE ACCESS PROVIDERS

- The Office of Financial Management must establish a working group on language access services and include members that have experience and knowledge of language access services.
- Language access providers may collectively bargain with the Governor over economic compensation, professional development and training, labor-management committees, and grievance procedures.

Bills tracked by CAPAA that did not pass included:

- Four bills on children and young adult health coverage
- One bill relating to social workers
- Three bills relating to language access services and providers
- Two bills dealing with community health programs and public health financing
- Three bills regarding the basic health plan and individual health plans
- One bill regarding the Health Care Choice Act
- One bill dealing with immunization exemptions
- One bill focusing on foreign medical school grads
- Four bills on affordable housing programs, incentives, and funding
- One bill on residential foreclosure
- One bill to improve the energy efficiency of low-income households

IN THE AREA OF ECONOMIC DEVELOPMENT, WE TRACKED 38 BILLS.

Highlights:

- Three bills concerning **small businesses** were passed. E2SHB 1096 mandates that small businesses receive 50% more state contracts in 2012 as compared to 2009, and 100% more in 2014. The Department of General Administration, the Department of Transportation, and the Department of Information Services would develop and implement the plan.
- 2SHB 2603 gives small businesses at least two business days to comply with a state law or agency rule before being issued a penalty. 2SSB 6667 directs the creation of a plan to give small businesses more access to capital and technical assistance.
- ESHB 2518 oath requirements for **interpreters** were eased, with certified or registered interpreters now permitted to forego taking the required oath at the beginning of each interpreting session, but upon certification or registration and every two years thereafter.
- SB 6317 **money transmitter regulations** were modified, with a distinction made between “open-loop” and “closed-loop” stored value devices.

Bills tracked by CAPAA that passed and were delivered to the Governor:

E2SHB 1096: ENHANCING SMALL BUSINESS PARTICIPATION IN STATE PURCHASING

- The Department of General Administration, the Department of Transportation, and the Department of Information Services are to develop and implement a plan to increase the number of small businesses receiving state contracts. Using 2009 as the base year, contracts to small businesses are to be increased by 50 percent in 2012 and 100 percent in 2014.
- Small business is defined as an in-state business that is either: (1) certified by the Office of Minority and Women's Business Enterprises; or (2) has fewer than 51 employees or less than \$7 million in annual gross revenues.

2SHB 2603: REQUIRING AGENCIES TO GIVE SMALL BUSINESSES AN OPPORTUNITY TO COMPLY WITH A STATE LAW OR AGENCY RULE BEFORE IMPOSING A PENALTY

- Requires agencies to provide small businesses with a copy of the state law or agency rule being violated and to allow a period of at least two business days for the small business to correct the violation before a fine, a civil penalty, or an administrative sanction is imposed.
- The requirement to give a copy of the law and provide a two-day grace period does not apply if a third party complainant would be disadvantaged.
- Neither the Attorney General's authority to sanction nor authority to enforce the Consumer Protection Act is affected by the bill.

2SSB 6667: CONCERNING BUSINESS ASSISTANCE PROGRAMS

- The Department of Commerce and the Small Business Development Center are to jointly prepare an actionable plan for increased access to capital and technical assistance to small businesses and entrepreneurs beginning with the 2011-13 biennium. They may consult with the Washington Microenterprise Association in developing the plan.
- The plan is to be presented by December 1, 2010, to the Governor and appropriate legislative committees.

ESHB 2518: MODIFYING OATH REQUIREMENTS FOR INTERPRETERS

- Certified or registered interpreters are permitted to forego taking the required oath at the beginning of each interpreting session, but are required to take the oath upon certification or registration and every two years thereafter.
- The oath requirement is maintained at the beginning of each interpreting session for interpreters who are neither certified nor registered.

SSB 6371: CONCERNING MONEY TRANSMITTERS

- Activities of money transmitters concerning open-loop stored value devices are subject to regulation by the Department of Financial Institutions (DFI).

Bills tracked by CAPAA that did not pass included:

- Two bills on small business contracting and public works contracting
- One bill on credit unions/ linked deposit
- Eight bills relating to small business paperwork, development, tax credits, loans, a development centers, and opportunity centers
- Two bills on language service providers
- Seven bills on tax exemptions for new businesses, non-profits, and job creation
- Nine bills regulating or prohibiting pay-day loans
- One bill on money transmitters
- One bill on protecting consumers in the purchase of motor vehicles
- One bill on tenant screening reports
- One bill on insurance credit history

IN THE AREA OF IMMIGRATION, WE TRACKED 7 BILLS.

Highlights:

- SB 6332 modifies **human trafficking** provisions relating to the definition of foreign worker, furnishing disclosure statements and informational pamphlets, and liability of an international labor recruitment agency. Requires the Department of Labor and Industries to integrate into existing posters and brochures, information on assisting victims of human trafficking.

Bills tracked by CAPAA that passed and were delivered to the Governor:

SB 6330: PERMITTING THE PLACEMENT OF HUMAN TRAFFICKING INFORMATIONAL POSTERS IN REST AREAS

- The Department of Transportation may work with human trafficking victim advocates in developing informational posters for placement in rest areas.

SSB 6332: CONCERNING HUMAN TRAFFICKING

- Workers who come from other countries to work in this state must be provided a disclosure statement informing them about their rights under state and federal law. If this statement is provided at the federal level, it is not necessary to provide it at the state level.
- Employers who fail to provide a disclosure statement to their employees may be liable to these employees for civil penalties in an amount between \$200 and \$500 or actual damages. A prevailing worker must also be awarded court costs and attorneys' fees.

Bills tracked by CAPAA that did not pass included:

- Two bills on drivers' license applicant requirements
- Two bills on offenders who may be subject to deportation
- One bill regarding human trafficking

IN THE AREA OF THE BUDGET AND REVENUE, WE TRACKED 5 BILLS.

Bill tracked by CAPAA that passed and was delivered to the Governor:

ESHB 2921: MAKING 2010 SUPPLEMENTAL OPERATING APPROPRIATIONS

- Appropriations are modified for the 2009-11 biennium. Near General Fund-State appropriations are reduced by \$45.4 million.
- Total budgeted funds decrease by \$54.8 million.
- State agencies are restricted from creating new positions and filling vacant positions, from entering into personal service contracts, from purchasing equipment over \$5,000 and from paying for out-of-state travel for the remainder of the biennium. An exception process is established.